

In the  
Indiana Supreme Court



IN THE MATTER OF )

APPROVAL OF STANDARDS FOR )  
ACCREDITATION OF INDEPENDENT )  
CERTIFICATION ORGANIZATIONS )  
BY THE INDIANA COMMISSION FOR )  
CONTINUING LEGAL EDUCATION )  
AND ESTABLISHING )  
CERTIFICATION FEE )

Cause No. 94S00-0709-MS-356

ORDER APPROVING AMENDED STANDARDS FOR ACCREDITATION OF  
INDEPENDENT CERTIFICATION ORGANIZATIONS  
AND ESTABLISHING CERTIFICATION FEE

Pursuant to its duties under Ind. Admission and Discipline Rule 30, the Indiana Commission for Continuing Legal Education ("Commission") has requested this Court's approval of amendments to the Standards for Accreditation of Independent Certification Organizations ("Standards") utilized by the Commission, and has recommended that the Court establish a fee of thirty-five dollars (\$35.00) for each Indiana attorney that an Independent Certification Organization certifies.

Upon examination of the proposed amendments requested by the Commission, this Court finds that the proposed amendments to the Standards are appropriate and, accordingly, should be approved. We further find that the recommended certification fee is also appropriate and likewise should be approved.

IT IS, THEREFORE, ORDERED by this Court that the amendments to the Standards proposed by the Commission, set forth as an attachment to this Order, are approved effective January 1, 2008.

IT IS, FURTHER ORDERED by this Court that effective January 1, 2008, each Independent Certification Organization shall pay, in addition to those fees established in our Order of August 28, 1996, an additional fee of thirty-five dollars (\$35.00) for each Indiana attorney an Independent Certification Organization certifies.

The Clerk of this Court is directed to forward a copy of this Order to Ms. Susan G. Gainey, Chair, Indiana Commission for Continuing Legal Education and Ms. Julia Orzeske, Executive Director, Indiana Commission for Continuing Legal Education.

The Executive Director is directed to post this Order and attachment for examination by the Bar and the general public, and to publish this Order and attachment on the Commission's website.

DONE at Indianapolis, Indiana, this 10<sup>th</sup> day of September, 2007.

Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

INDIANA COMMISSION FOR CONTINUING LEGAL EDUCATION  
STANDARDS FOR ACCREDITATION OF INDEPENDENT  
CERTIFICATION ORGANIZATIONS

SECTION 1: POLICY STATEMENT

- 1.01 This document establishes standards by which the Indiana Commission for Continuing Legal Education ("Commission") will accredit specialty certification programs for lawyers in particular fields of law. The Standards require that an accredited organization through its attorney specialization plan demonstrate that its plan will accomplish the purposes of Indiana Admission and Discipline Rule 30 Sec. 1.

The Standards are designed to enable the Commission to evaluate thoroughly the objectives, standards and procedures of Applicants. Notwithstanding anything to the contrary, for compelling reasons consistent with the purpose of these Standards, the Commission may suspend or alter any part of these Standards in particular matters.

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SECTION 4: REQUIREMENTS FOR ACCREDITATION OF ICO'S

In order to obtain accreditation by the Commission for a specialty certification program, an Applicant must demonstrate that the program operates in accordance with the following standards:

- 4.01 Purpose of Organization. The Applicant must demonstrate that one of its primary purposes is the identification of lawyers who have ~~extraordinary competence and efficiency~~ a demonstrated proficiency in the area of law or practice for which specialist certification is being issued.

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- 4.03 Decision Makers. ~~The Applicant shall be governed by lawyers who, in the judgment of the Commission, are experts in the field of certification.~~ A majority

of the body within an Applicant organization reviewing applicants for certification of lawyers as specialists in a particular area of law shall consist of lawyers who, in the judgment of the Commission, are experts in the field of certification.

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- 4.05 Definition and Number of Specialties—An Applicant shall specifically define the specialty area or areas in which it proposes to certify lawyers as specialists.

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C. An Applicant shall propose to the Commission a specific definition of each specialty area in which it seeks accreditation to certify lawyers as specialists. The Commission reserves the right to modify or reject the proposed definition.

- 4.06 Certification Requirements—The following shall be required by the Applicant for certification of lawyers as specialists.

A. Evidence of Substantial Involvement in the Practice Area. The Applicant must require that a lawyer seeking certification make a satisfactory showing of experience through substantial involvement in the specialty area. Substantial involvement generally includes the type and number of cases or matters handled and the amount of time spent practicing in the specialty area. In order to meet the Standard, the Applicant's certification criteria must require that the time spent practicing the specialty be at least ~~one-third (1/3)~~ twenty-five percent (25%) of the total practice of a lawyer engaged in a normal full-time practice throughout the three-year period immediately preceding the lawyer's application.

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C. Written Examination. The Applicant must require that a lawyer seeking certification pass a written examination of suitable length and complexity. The examination must test the knowledge and skills of the substantive and procedural law in the specialty area, ~~substantially consist of questions not previously used on other examinations,~~ and shall include professional responsibility and ethics as it relates to the particular specialty....

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#### SECTION 11: INDEMNIFICATION AND HOLD HARMLESS

11.01 ICO's and Applicants agree to hold and save the Commission members, its members of any specialization related advisory committees, contractors, volunteers, officers, agents and employees harmless from liability of any kind, including costs and expenses, for any suit or damages sustained by any person or property by virtue of an ICO's or Applicant's activities relating to accreditation by the Commission or for any consequences of an ICO's or Applicant's involvement in seeking or sustaining accreditation of its specialty program(s), by virtue of any act or omission by the Commission members, its members of any specialization related advisory committees, officers, contractors, agents, employees and volunteers.

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